

ESTTA Tracking number: **ESTTA412683**

Filing date: **06/03/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91195509
Party	Defendant The International Group, Inc.
Correspondence Address	HARRY SCHOCHAT LAW OFFICE OF HARRY SCHOCHAT 8 LUNAR DRIVE WOODBIDGE, CT 06525 UNITED STATES harry@harryschochat.com
Submission	Motion to Extend
Filer's Name	Harry Schochat, Esq.
Filer's e-mail	harry@harryschochat.com
Signature	/hs/
Date	06/03/2011
Attachments	Motion to Extend Time.pdf (8 pages)(281929 bytes)

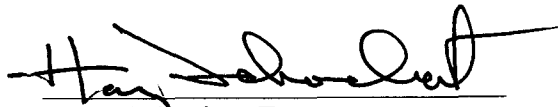
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

DENISE SNACKS, INC. and)	
DENISE DISTRIBUTION CORP.)	
)	
Opposers,)	OPPOSITION
)	No. 91195509
v.)	
)	
THE INTERNATIONAL GROUP, INC.)	
)	
Applicant.)	

MOTION FOR EXTENSION OF TIME

The Applicant, The International Group, Inc., by and through its undersigned attorney, hereby moves, pursuant to the Trademark Trial and Appeal Board Rules of Practice and the Federal Rules of Civil Procedure, to extend the time to take discovery by sixty (60) days to August 9, 2011, with the testimony and trial periods to be reset accordingly. Good cause, as set forth in the annexed Declaration of Harry Schochat, exists for the granting of this Motion to Extend.

Dated: June 3, 2011


Harry Schochat, Esq.
Law Offices of Harry Schochat
Attorney for Applicant
8 Lunar Drive
Woodbridge, CT 06525
203-397-0052
212-766-1427

To: Bruce W. Baber, Esq.
King & Spalding
Attorneys for the Opposers
1180 Peachtree Street, N.E.
Atlanta, GA 30309-3521

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

DENISE SNACKS, INC. and)	
DENISE DISTRIBUTION CORP.)	
)	
Opposers,)	OPPOSITION
)	No. 91195509
v.)	
)	
THE INTERNATIONAL GROUP, INC.)	
)	
Applicant.)	

DECLARATION OF HARRY SCHOCHAT

Harry Schochat, an attorney duly authorized to practice before the Courts of the States of New York and Connecticut, hereby declares under penalty of perjury:

1. I am the attorney for the Applicant, The International Group, Inc. ("International"), in the above-captioned Opposition Proceeding before the Trademark Trial and Appeal Board, and as such I am fully aware of the facts and circumstances concerning the above-referenced matter.
2. I am making this declaration in support of International's Motion to Extend the time to take discovery by sixty (60) days to August 9, 2011, with the testimony and trial periods to be reset accordingly.
3. Good cause exists for the granting of International's Motion to Extend. The Board is liberal in granting extensions of time before the period to act has elapsed provided that the moving party had not been guilty of negligence or bad faith and the privilege of extension is not abused. National Football League v. DNH Management LLC, 85 USPQ2g 1852, 1854 (TTAB 2008). The Board may extend the time to conclude discovery upon motion reciting detailed facts sufficient to carry their burden of

explaining why additional time is necessary. Id.; Societa Per Azioni Chianti Ruffino Esportazione Vinicola Toscana v. Colli Spolenti Spoletoducali SCRL, 59 UPQ2d 1383 (TTAB 2001). Providing detailed information related to other litigation matters is sufficient to justify a limited extension of time. See Societa Per Azioni Chianti Ruffino Esportazione Vinicola Toscana, 59 UPQ2d at 1383.

4. As set forth in the printout from the Florida Department of State, Division of Corporations website, attached hereto as Exhibit A, the Opposer, Denise Snacks Inc., has been dissolved by proclamation. This was not discovered until after the Applicant served its First Set of Interrogatories on the Opposers. Additional discovery will be necessary to determine whether the aforesaid Denise Snacks, Inc., has standing to maintain this action.
5. Furthermore, the Applicant has objected to the Opposers' First Set of Interrogatories and has numerous objections to the Opposers' First Request for Production of Documents and Things. The Applicant anticipates that it will also receive numerous objections to the Interrogatories and Request for Production of Documents and Things it served upon the Opposers. Consequently, the Applicant believes that additional motion practice, including motions to compel, will be required in order to obtain full and complete responses to the discovery demands it has served. The Applicant has no way of determining whether these issues will be resolved prior to the start of the Applicant's testimony period, currently set for September 23, 2011.
6. Additionally, the Opposers have noticed a deposition of the Applicant for June 9, 2011, one day before discovery is set to close. The Opposers, in their Notice of Deposition, have set forth an extensive list of topics to be discussed at the Deposition, however, many of the deposition topics explicitly ask for the names of the Applicant's customers and

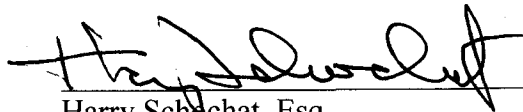
distributors. Such deposition topics are confidential information not subject to disclosure. See Johnston Pump/General Valve Inc. v. Chromalloy American Corp., 10 USPQ2d 1671, 1675 (TTAB 1988). The Applicant also believes that the objections to such deposition topics will not be resolved prior to the close of discovery.

7. The foregoing is not a result of the Applicant's negligence or lack of diligence.

However, the Declarant, a solo practitioner, was delayed in seeking discovery due to complex and time-intensive negotiations related to the sale of a multi-million dollar business from November 2010, through March, 2011. The Declarant, is also corporate counsel to a publicly traded company, was further delayed in seeking discovery due to the preparation of documents required to be filed with the Securities and Exchange Commission. Although I believed in good faith that I would have time to conduct all necessary discovery related to the above-caption Opposition Proceeding, due to the dissolution of the Opposer, Denise Snacks, Inc., and the anticipated motion practice related to the outstanding discovery demands of both the Applicant and the Opposers, additional time is required to conclude discovery.

8. For the foregoing reasons, the undersigned respectfully requests that the Board grant the Applicant's Motion for Extension of Time to conclude discovery.

June 3, 2011



Harry Schochat, Esq.
Law Offices of Harry Schochat
Attorney for Applicant
8 Lunar Drive
Woodbridge, CT 06525
203-397-0052
212-766-1427

EXHIBIT "A"

FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS

[Previous on List](#) [Next on List](#) [Return To List](#)

[Events](#)

No Name History

Detail by Entity Name

Florida Profit Corporation

DENISE SNACKS, INC.

Filing Information

Document Number P07000042533
FEI/EIN Number 260212340
Date Filed 04/05/2007
State FL
Status INACTIVE
Effective Date 04/06/2007
Last Event ADMIN DISSOLUTION FOR ANNUAL REPORT
Event Date Filed 09/24/2010
Event Effective Date NONE

Principal Address

8000 WEST 26 AVENUE
HIALEAH FL 33016 US

Mailing Address

8000 WEST 26 AVENUE
HIALEAH FL 33016 US

Registered Agent Name & Address

HERNANDEZ, MARIA F
5416 S.W. 191 TERRACE
MIRAMAR FL 33029 US

Name Changed: 03/25/2009

Address Changed: 03/25/2009

Officer/Director Detail

Name & Address

Title D/PS

HERNANDEZ, MARIA F
5416 S.W. 191 TERRACE
MIRAMAR FL 33029 US

Annual Reports

Report Year Filed Date

2008	04/30/2008
2009	03/25/2009

Document Images

03/25/2009 -- ANNUAL REPORT

[View image in PDF format](#)

04/30/2008 -- ANNUAL REPORT

[View image in PDF format](#)

04/05/2007 -- Domestic Profit

[View image in PDF format](#)

Note: This is not official record. See documents if question or conflict.

[Previous on List](#)

[Next on List](#)

[Return To List](#)

[Entity Name Search](#)

[Events](#)

No Name History

[Submit](#)

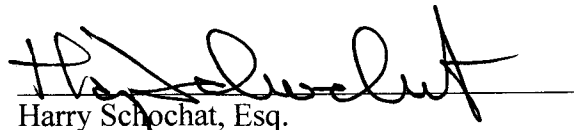
[| Home |](#) [Contact us |](#) [Document Searches |](#) [E-Filing Services |](#) [Forms |](#) [Help |](#)
Copyright © and Privacy Policies
State of Florida, Department of State

CERTIFICATE OF SERVICE

This is to certify, in accordance with Rule 2.101(b) of the Trademark Rules of Practice, that on June __, 2011, I served the foregoing Motion to Extend on the Opposers, by depositing a true and correct copy of same, enclosed in a post-paid, properly addressed wrapper, in a post-office/official depository under the exclusive care and custody of the United States Postal Service and by overnight courier service, Federal Express, addressed to:

Bruce W. Baber, Esq.
King & Spalding
1180 Peachtree Street, N.E.
Atlanta, GA 30309-3521

Dated: Woodbridge, Connecticut
June 3, 2011

A handwritten signature in black ink, appearing to read "Harry Schochat", written over a horizontal line.

Harry Schochat, Esq.
8 Lunar Drive
Woodbridge, CT 06525